

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS
BOSTON DIVISION**

STUDENTS FOR FAIR ADMISSIONS, INC.,

Plaintiff,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION),

Defendant.

Civil Action No. 1:14-cv-14176-ADB

DEFENDANT’S MOTION TO FILE UNDER SEAL
RESPONSE TO SFFA’S JAN. 27, 2016 LETTER

Pursuant to Local Rule 7.2 and the Stipulated Protective Order (ECF No. 55), Defendant President and Fellows of Harvard College (“Harvard”) hereby moves this Honorable Court for an order sealing Harvard’s letter in opposition to the letter filed by Plaintiff Students for Fair Admissions, Inc. (“SFFA”) on January 27, 2016 (ECF No. 118). Harvard’s opposition specifically describes information that Harvard has produced in this litigation and designated as Confidential and Highly Confidential – Attorneys’ Eyes Only pursuant to the Stipulated Protective Order (ECF No. 53). The opposition also responds to portions of SFFA’s January 27, 2016 letter that have already been filed under seal.

Harvard is delivering unredacted courtesy copies of all of these materials to the Court in a sealed envelope. Harvard requests that the documents subject to this Motion be impounded until further order of the Court. In the event this Court has not previously ordered otherwise, Harvard’s submission should be returned to its undersigned counsel upon resolution of this matter. Pursuant

to Local Rule 7.1(a)(2), Harvard conferred with SFFA in a good faith effort to resolve or narrow the issues involved in this motion. SFFA was made aware of this motion before filing.

WHEREFORE, Harvard respectfully requests that the Court grant this motion and allow Harvard's opposition to SFFA's January 27, 2016 letter to be filed under seal and to be viewed only by the Judge, her clerk(s), and Court personnel in conjunction with Harvard's motion to stay.

Respectfully submitted,

/s/ Felicia H. Ellsworth

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Dated: February 5, 2016

*Counsel for Defendant President and
Fellows of Harvard College*

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 7.1(a), I hereby certify that Harvard has conferred with Students for Fair Admissions' counsel in a good faith attempt to resolve or narrow the issues involved in this motion.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to all counsel of record via the CM/ECF system. The attachments to this motion were delivered to the Court in a sealed envelope.

/s/ Felicia H. Ellsworth
Felicia H. Ellsworth

EXHIBIT 1

Attachment To Be Filed Pending
Proposed Motion to File Under Seal